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Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM

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September 18, 2000

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BY FACSIMILE

The Honorable Carol M. Browner
Administrator
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator Browner:

The Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs is continuing its oversight of specific regulations and guidance documents issued by the Environmental Protection Agency (EPA) and the process followed by EPA for these regulatory and non-regulatory documents.

On September 11, 2000, the Subcommittee informally requested a copy of the listing of the 67 EPA regulatory decisions expected before the expiration of the present Administration, as mentioned in a August 25th Washington Post article. In an American Bar Association forum on September 12th, Office of Management and Budget (OMB) Administrator John Spotila acknowledged that OMB reviewed such a listing for each agency. On September 15th, EPA staff asked that I send a formal letter to receive a copy of this "predecisional deliberative process document." Since this information will be published shortly in the October 2000 Regulatory Plan and Unified Agenda of Federal Regulatory and Deregulatory Actions, as required by Executive Order 12866, EPA's response appears to be an unjustified delaying tactic.

Pursuant to the Constitution and Rules X and XI of the United States House of Representatives, please promptly provide the Subcommittee with a copy of the listing and, if not provided, a legal opinion explaining the specific basis for such denial. Your response should be delivered to the Subcommittee office in B-377 Rayburn House Office Building not later than noon on Friday, September 22, 2000. If you have any questions about this request, please contact Professional Staff Member Barbara Kahlow at 225-4407.

Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "David McIntosh". The signature is written in a cursive, slightly stylized font.

David M. McIntosh

Chairman

Subcommittee on National Economic Growth,
Natural Resources and Regulatory Affairs

cc: The Honorable Dan Burton
The Honorable Dennis Kucinich